

ESTTA Tracking number: **ESTTA771055**

Filing date: **09/16/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	WE Brand S.a.r.l.		
Entity	Corporation	Citizenship	Luxembourg
Address	17, Rue Beaumont Luxembourg, L-1219 LUXEMBOURG		
Attorney information	William J. Seiter Seiter Legal Studio 2500 Broadway, Bldg F, Suite F-125 Santa Monica, CA 90404 UNITED STATES williamjseiter@seiterlegalstudio.com		

### Applicant Information

Application No	79186586	Publication date	09/06/2016
Opposition Filing Date	09/16/2016	Opposition Period Ends	10/06/2016
International Registration No.	1297038	International Registration Date	12/29/2015
Applicant	LA BOUTIQUE 13 S.R.L. UNIPERSONALE Via S. Angelo, 5  ITALY		

### Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Waterproof jackets and pants; dresses; suits; jumper dresses; bath robes; bandanas; berets; underwear; braces for clothing; corsets; footwear; boots for sports; stockings; socks; breeches for wear; bathing trunks; shirts; short-sleeve shirts; sports singlets; hats; coats; belts; tights; detachable collars; layettes; bathing suits; neckties; panties; pocket squares; scarfs; boot uppers; jackets; garters; skirts; overalls; girdles; gloves; hosiery; sports jerseys; sweaters; pelerines; mantillas; skorts; boxer shorts; underpants; vests; trousers; slippers; ear muffs; parkas; pelisses; pajamas; cuffs; ponchos; stocking suspenders; brassieres; sandals; bath sandals; saris; sarongs; shoes; bath slippers; gymnastic shoes; beach shoes; football boots; sports shoes; shawls; sashes for wear; overcoats; half-boots; lace boots; boots; fur stoles; soles for footwear; tee-shirts; turbans; veils; dressing gowns; wooden shoes


Class 035. First Use: 0 First Use In Commerce: 0

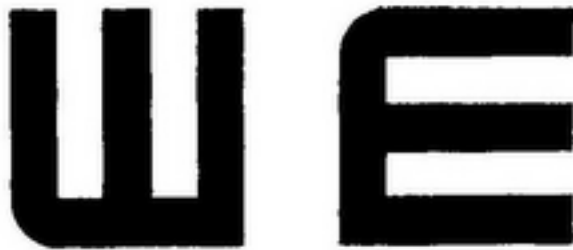
All goods and services in the class are opposed, namely: Providing business information via a web site; commercial information and advice for consumers consumer advice shop; provision of an on-line marketplace for buyers and sellers of goods and services; presentation of goods on communication media, for retail purposes; sales promotion for others; on-line advertising on a computer network

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4714553	Application Date	07/14/2010
Registration Date	04/07/2015	Foreign Priority Date	06/02/2010
Word Mark	WE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Spectacles including sunglasses; spectacle frames; cases and containers for spectacles</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0 Precious metals and their alloys and goods in precious metals or coated there-with, namely, tie clips; jewelry, costume jewelry, precious stones; horological and chronometric instruments, including watches</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 Leather and imitation leather, goods made of these materials and not included in other classes, namely, leather handbags, wallets, purses, briefcases; umbrellas and parasols; trunks and travelling bags; bags not included in other classes, namely, all-purpose carrying bags including duffle bags, gym bags, school bags, sports bags, athletic bags, back packs, canvas, textile, cotton, silk and wool shopping bags, beach bags, suitcases and travelling bags</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, trousers, shorts, Bermuda shorts, skirts, dresses, sweaters, pullovers, cardigans and vests, jackets, overcoats, jackets and waist coats, blouses and shirts, undershirts, t-shirts, shawls, scarves, mittens, socks, stockings, tights and pantyhose, swimming costumes; footwear, namely, sandals, boots, shoes, slippers, sports shoes; headgear, namely, bonnets, hats and caps</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Retail store services and computerized online retail store services featuring eye-wear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chro-nometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; franchise services, namely, offer-ing business management assistance in the establishment and operation of franchised retail shops featuring eyewear includingsunglasses, optical frames,</p>		

	cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, preciousstones, clocks and chronometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; the aforesaidservices also offered via electronic channels, including the Internet		
U.S. Registration No.	4710199	Application Date	07/14/2010
Registration Date	03/31/2015	Foreign Priority Date	06/01/2010
Word Mark	WE		
Design Mark			
Description of Mark	The mark consists of the term "WE" in stylized letters.		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Spectacles including sunglasses; spectacle frames; cases and containers for spectacles</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0 Precious metals and their alloys and goods in precious metals or coated therewith, namely, tie clips; jewelry, costume jewelry, precious stones; horological and chronometric instruments, including watches</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 Leather and imitation leather, goods made of these materials and not included in other classes, namely, leather handbags, wallets, purses, briefcases; umbrellas and parasols; trunks and traveling bags; bags not included in other classes, namely, all-purpose carrying bags including duffle bags, gym bags, school bags, sports bags, athletic bags, back packs, canvas, textile, cotton, silk and wool shopping bags, beach bags, suitcases and traveling bags</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, trousers, shorts, Bermuda shorts, skirts, dresses, sweaters, pullovers, cardigans and vests, jackets,overcoats, jackets and waist coats, blouses and shirts, undershirts, t-shirts, shawls, scarves, mittens, socks, stockings, tights and pantyhose, swimming costumes; footwear, namely, sandals, boots, shoes, slippers, sports shoes; headgear, namely, bonnets, hats and caps</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Retail store services and computerized online retail store services featuring eyewear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chronometrical instruments, including watches, leather and imitation leather and</p>		

	products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; franchise services, namely, offering business management assistance in the establishment and operation of franchised retail shops featuring eyewear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chronometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; the aforesaid services also offered via electronic channels, including the Internet
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Attachments	85084765#TMSN.png( bytes ) 85084803#TMSN.png( bytes ) Notice of Opposition 79186586.pdf(35946 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/wjs/
Name	William J. Seiter
Date	09/16/2016



1. Opposer is the owner of U.S. Trademark Registration No. 4714553, registered April 7, 2015, having a filing date of July 14, 2010 and a priority date of June 2, 2010, for the mark WE, and U.S. Trademark Registration No. 4710199, registered March 31, 2015, having a filing date of July 14, 2010 and a priority date of June 1, 2010, for the mark WE [stylized] (hereinafter, “Opposer’s Marks”), each for: “Spectacles including sunglasses; spectacle frames; cases and containers for spectacles,” in International Class 9; “Precious metals and their alloys and goods in precious metals or coated therewith, namely, tie clips; jewelry, costume jewelry, precious stones; horological and chronometric instruments, including watches,” in International Class 14; “Leather and imitation leather, goods made of these materials and not included in other classes, namely, leather handbags, wallets, purses, briefcases; umbrellas and parasols; trunks and traveling bags; bags not included in other classes, namely, all-purpose carrying bags including duffle bags, gym bags, school bags, sports bags, athletic bags, back packs, canvas, textile, cotton, silk and wool shopping bags, beach bags, suitcases and traveling bags,” in International Class 18; “Clothing, namely, trousers, shorts, Bermuda shorts, skirts, dresses, sweaters, pullovers, cardigans and vests, jackets, overcoats, jackets and waist coats, blouses and shirts, undershirts, t-shirts, shawls, scarves, mittens, socks, stockings, tights and pantyhose, swimming costumes; footwear, namely, sandals, boots, shoes, slippers, sports shoes; headgear, namely, bonnets, hats and caps,” in International Class 25, and “Retail store services and computerized online retail store services featuring eyewear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chronometrical instruments, including watches, leather

and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; franchise services, namely, offering business management assistance in the establishment and operation of franchised retail shops featuring eyewear including sunglasses, optical frames, cases and containers for spectacles, precious metals and their alloys and products made from the aforesaid material or coated therewith, jewelry, costume jewelry, precious stones, clocks and chronometrical instruments, including watches, leather and imitation leather and products made from the aforesaid materials, umbrellas and parasols, trunks and suitcases, bags, clothing, footwear, headgear; the aforesaid services also offered via electronic channels, including the Internet,” in International Class 35.

2. Opposer’s Marks have been promoted extensively and are well known to the consuming public. Opposer has invested substantial time, effort and money in promoting Opposer’s Marks. As a result, Opposer’s Marks have become distinctive of Opposer’s goods and services, and have come to represent substantial goodwill for Opposer, widely recognized by the consuming public as a designation of source of the goods and services of Opposer.

3. On December 29, 2015, Applicant filed Application Serial No. 79186586 for the mark:



(hereinafter, “Applicant’s Mark”), a request for extension of protection of International Registration No. 1297038 under Section 66(a) of the Trademark Act, 15 U.S.C. §1141(a), and claiming a priority date of July 7, 2015, for: “Waterproof jackets and pants; dresses; suits; jumper dresses; bath robes; bandanas; berets; underwear; braces for clothing;

corsets; footwear; boots for sports; stockings; socks; breeches for wear; bathing trunks; shirts; short-sleeve shirts; sports singlets; hats; coats; belts; tights; detachable collars; layettes; bathing suits; neckties; panties; pocket squares; scarfs; boot uppers; jackets; garters; skirts; overalls; girdles; gloves; hosiery; sports jerseys; sweaters; pelerines; mantillas; skorts; boxer shorts; underpants; vests; trousers; slippers; ear muffs; parkas; pelisses; pajamas; cuffs; ponchos; stocking suspenders; brassieres; sandals; bath sandals; saris; sarongs; shoes; bath slippers; gymnastic shoes; beach shoes; football boots; sports shoes; shawls; sashes for wear; overcoats; half-boots; lace boots; boots; fur stoles; soles for footwear; tee-shirts; turbans; veils; dressing gowns; wooden shoes,” in International Class 25; and “Providing business information via a web site; commercial information and advice for consumers consumer advice shop; provision of an on-line marketplace for buyers and sellers of goods and services; presentation of goods on communication media, for retail purposes; sales promotion for others; on-line advertising on a computer network,” in International Class 35.

4. Upon information and belief, Applicant made no use of the mark in Application Serial No. 79186586 in United States commerce on or in connection with any of the opposed goods or services on or before June 1, 2010, the priority date of Opposer’s U.S. Trademark Registration No. 4710199.

5. Upon information and belief, Applicant made no use of the mark in Application Serial No. 79186586 in United States commerce on or in connection with any of the opposed goods or services on or before June 2, 2010, the priority date of Opposer’s U.S. Trademark Registration No. 4714553.



6. Upon information and belief, Applicant made no use of the mark in Application Serial No. 79186586 in United States commerce on or in connection with any of the opposed goods or services on or before July 14, 2010, the filing date of Opposer's U.S. Trademark Application Serial Nos. 85084765 and 85084803, the applications from which Opposer's U.S. Trademark Registrations Nos. 4714553 and 4710199 resulted.

7. Upon information and belief, Applicant made no use of the mark in Application Serial No. 79186586 in United States commerce on or before July 7, 2015, the claimed priority date of Applicant's Mark.

8. Upon information and belief, Applicant made no use of the mark in Application Serial No. 79186586 in United States commerce on or before December 29, 2015, the filing date of Applicant's Mark.

9. Upon information and belief, Applicant has made no use of the mark in Application Serial No. 79186586 in United States commerce.

10. The mark which Applicant seeks to register is similar in sound, appearance, meaning and commercial impression to Opposer's Marks, and Applicant's Mark could be used in connection with goods and services identical or closely related to Opposer's goods and services. Based on the confusing similarity of the two marks and identity or relatedness of the parties' respective goods and services, the public is likely to associate the goods and services of Applicant under Applicant's Mark with Opposer and/or its licensees or with Opposer's and/or its licensees' goods and services under Opposer's Mark, or to believe that Applicant's goods and services are sponsored,

endorsed or licensed by Opposer or its licensees, or that there exists some relationship between Applicant and Opposer and/or its licensees.

11. For the above reasons, any use of Applicant's Mark by Applicant for the goods or services in the five opposed classes is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods and services offered under the mark by Applicant emanate from or are otherwise sponsored or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

**REQUEST FOR RELIEF**

Opposer will be damaged by the registration of the mark in Application Serial No. 79186586, and respectfully requests that this opposition be sustained and that the registration sought by Application Serial No. 79186586 be denied as to all of the applied for goods and services in International Classes 25 and 35.

The Opposition fee in the amount of \$600.00 for two classes is filed electronically herewith.

Dated: September 16, 2016

Respectfully submitted,  
SEITER LEGAL STUDIO.

By:       /s/        
William J. Seiter  
Attorneys for Opposer  
2500 Broadway  
Bldg F, Suite F-125  
Santa Monica, California 90404  
Phone: (424) 238 4333

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Opposition has been forwarded via First Class Mail, postage prepaid, to the Applicant to the Applicant, to its attorney of record:

John S. Egbert  
Egbert Law Offices, PLLC  
1001 Texas Ave., Ste. 1250  
Houston, Texas 77002

on this 16th day of September, 2016.

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/s/  
William J. Seiter